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BILL TO STRENGTHEN RIGHTS OF VICTIMS MOVING FORWARD

(Boston) –Representative Kate Hogan (D-Stow) and Senator Karen Spilka (D-Ashland) announced that their legislation to reform and clarify the legal rights of family members when a loved one dies at the hands of a spouse was reported out of the Joint Committee on Public Health yesterday.

Spilka and Hogan filed this bill to address issues following the death of Heather Alleyne, 19, of Framingham, who was killed on August 9, 2010. Her husband Kyle Alleyne has been charged with her murder. As her next of kin, Kyle was able to restrict the medical examiner’s office from releasing her body to her family for burial, despite being charged with the crime. Existing laws did not grant the medical examiner the power to release the body to anyone but the next of kin, causing delays and additional heartbreak for her family.

“I assisted the family of Heather Alleyne as they struggled during this difficult time, and my heart broke,” Senator Spilka said. “At such a time of terrible loss, a family deserves to mourn and lay their daughter to rest but the law dragged the process out, forcing Heather’s family to experience more anguish and heartache than any family should. I am honored to be working on such worthwhile legislation to ensure that no family will be forced to endure what this family was put through.”

This bill would exclude the next of kin charged with the murder of a deceased victim from the order of priority of those to whom the decedent can be released. The right to receive the body would pass from the spouse to the parents or next of kin.

“We are now one step closer to passage of "Heather's Bill",” Representative Hogan said. “The inability of the Marcheterre's to bury their daughter, due to legal objections by her alleged murderer, was an added tragedy no grief stricken family should ever have to bear. The law will bring a measure of peace to the Marcheterre family and its enactment honors Heather Alleyne's memory.”

The bill also addresses an issue that was discovered regarding the source of payment of legal fees and bail in the Mortimer Family murder. In this case, Thomas Mortimer allegedly killed his wife, two young children, and mother-in-law on June 16, 2010. Mortimer, of Winchester, has since sought to use his children’s college fund to pay for his legal fees and bail. The bill would

prevent a person being charged with murder from accessing a family victim's estate for their legal defense fees.

The bill now must be taken up in the House of Representative and then in the Senate.